



PLANNING & PERMIT CENTER

833 S. Spruce Street • Burlington WA 98233

Phone: (360) 755-9717

Email: bplanning@burlingtonwa.gov

DRAFT ENVIRONMENTAL IMPACT STATEMENT TO EVALUATE THE IMPACTS OF THE DEVELOPMENT PROPOSAL TO AMEND THE COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR A 17.19 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF EAST RIO VISTA AVENUE AND SOUTH GARDNER ROAD (AKA DELAHUNT PROPERTY); AND EVALUATE PRINCIPAL ALTERNATIVES TO THE PROPOSED ACTION

APPLICANT: SHARON ALDER LLC

LEAD AGENCY: CITYOF BURLINGTON

Prepared for review by Citizens and Government Agencies in Compliance with the State Environmental Policy Act of 1971 (Chapter 43.21C Revised Code of Washington) as revised; the State Environmental Policy Act Rules, as revised (Chapter 197-11 Washington Administrative Code); and City of Burlington Municipal Code Chapter 15. 12 Environmental Policy; and the National Environmental Policy Act Pub. L 91-19, 42 U.S.C.4321-4347 as amended.

DATE OF ISSUE: FEBRUARY 3, 2015

COMMENTS DUE: MARCH 4, 2015

TABLE OF CONTENTS

	<u>Page</u>
FACT SHEET.....	3
INTRODUCTORY NOTE.....	6
SUMMARY	8
OBJECTIVES OF THE PROPOSAL.....	8
ALTERNATIVES INCLUDING THE PROPOSED ACTION	9
AFFECTED ENVIRONMENT, SIGNIFICANT IMPACTS, AND MITIGATION MEASURES	11
MAJOR CONCLUSIONS AND SIGNIFICANT AREAS OF CONTROVERSY AND UNCERTAINTY	12
APPENDICES.....	13

FACT SHEET

PROJECT TITLE: This is a proposal to establish a new comprehensive plan designation and zoning prior to annexation for a site that includes 15.09 acres of land that has been used as a farm, now zoned in Skagit County as Urban Reserve Residential (URR) that allows for one dwelling unit per five acres; and to amend the comprehensive plan designation and zoning on the 2.1 acre forested parcel to the west that has a 50 foot wide connection to South Section Street, now zoned as Open Space Parks and Agriculture (OSPA).

PROPOSED ACTION AND ALTERNATIVES

1. Proposed Action

- Amend the Comprehensive Plan designation for both sites to Commercial Business (C-B)
- Rezone portion in the County that is currently Urban Reserve Residential (URR) and portion in the City Limits that is currently Open Space Parks and Agriculture (OSPA)
- Establish new zoning for the total 17.19 acre site as Medium Residential and Neighborhood Business (MR-NB). Add contract rezone conditions to the total site as follows:
 - A. Single family development along East Rio Vista Avenue and the west side of the 2.1-acre parcel.
 - B. Construct connecting street from Section Street to Gardner Road.
 - C. Develop overflow parking for boat launch for displaced Gardner Road parking.
 - D. Landscape screening between multi-family or commercial sites and single family residences.
 - E. Three story buildings allowed with a maximum height of 35' except in single family area.
 - F. Total number of apartment units shall be not more than 150.
 - G. Commercial uses shall be limited to the location of the existing farm related buildings.
 - H. Maximum building footprint increased from 6,500 square feet to 8,000 sq. ft.
 - I. Minimum 3 acres of open space.
- Annex the 15.09 acre portion of the site into the Burlington City Limits

2. **Alternative A** – Same as Proposed Action, but limited to two story apartments. – Limit total apartment units to not more than 100.
3. **Alternative B** – Establish new zoning for the total 17.19 acre site as Medium Residential Neighborhood Business (MR-NB) with a contract rezone limiting commercial uses to the existing buildings. Remainder of site would be in residential use, including apartment buildings of up to 8 units, single family homes and duplexes.

4. **Alternative C** – Amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and establish new zoning for the total 17.19 acre site as Medium Residential and Neighborhood Business (MR-NB). Contract rezone conditions as follows:
- Limit commercial uses to the existing farm related buildings
 - Remainder of the site would be in residential use with no minimum lot size, including single family homes, duplexes and townhouses (common wall residences).
 - Alternative C, as proposed, would not allow for construction of apartment buildings. In the event the proponent wanted to building apartments in the future they would have to apply for and receive approval for a contract rezone allowing such construction.
 - Landscaping requirements per Zoning Code.
5. **Alternative D** – Amend the Comprehensive Plan to C-B Commercial Business for existing farm building site and set zoning for that portion as MR-NB, Medium Residential and Commercial Business to allow commercial uses to continue. Amend the Comprehensive Plan to SF-D Single Family and Duplex for the remainder of the site and set zoning as Single Family R-1-6.0 and Duplex R-2 for a combination of single family homes, 6,000 square foot minimum lot size and duplexes, 7,600 square foot minimum lot size.
6. **No Action** - Retain existing zoning in City Limits and Skagit County Urban Growth Area resulting in no development on 2.1 acre site and a maximum of 3 single family dwellings on portion in Skagit County; site will not be annexed into City Limits.

PROPONENT: Sharon Alder LLC

TENTATIVE DATE FOR IMPLEMENTATION: 2015

LEAD AGENCY: City of Burlington

RESPONSIBLE OFFICIAL AND CONTACT PERSON:

Margaret Fleek, Planning Director
833 S. Spruce Street
Burlington, Washington 98233

PHONE NUMBER AND STREET ADDRESS FOR WALK IN INQUIRIES

360-755-9717
833 S. Spruce Street, Burlington WA

LICENSES, PERMITS AND APPROVALS

Comprehensive Plan Amendment
Contract Rezone
Annexation
Land Use Permit
Construction Permits

AUTHORS AND PRINCIPAL CONTRIBUTORS

Margaret Fleek, Planning Director
Sharon Alder LLC, Applicant

DATE OF ISSUE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT

February 3, 2015

PUBLIC HEARING TO RECEIVE COMMENTS

March 3, 2015 at 7:00 p.m., 833 S. Spruce Street, Burlington WA

DATE COMMENTS ARE DUE ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

March 4, 2015

DATE FINAL ACTION IS PLANNED

March 2015

TYPE AND TIMING OF SUBSEQUENT ENVIRONMENTAL REVIEW

Supplemental environmental review is not anticipated at this time.

LOCATION OF BACKGROUND MATERIAL

Background material and supporting documents may be found at the offices of the Burlington Planning Department located at 833 S. Spruce Street, Burlington, Washington

COST OF DRAFT ENVIRONMENTAL IMPACT STATEMENT

No cost.

INTRODUCTORY NOTE

The Notice of Application and request for comments on the proposed project was initially opened on July 14, 2014 and many comments were received expressing concerns about the project. Subsequent to that Notice, the applicant purchased 2.1 acres of forested land from Dike District #12, currently in Open Space (OSPA) zoning that includes a strip of land that accesses South Section Street.

Based on the concerns raised by the public, a Determination of Significance was made that requires preparation of a detailed Environmental Impact Statement and consideration of alternatives to the proposed action, the public notice area was increased following acquisition of additional land, and many further comments were received.

Comments overall included:

- Concerns about increased traffic congestion and safety, increased traffic delays and backups because of heavy train traffic, access road closed during high water.
- Change in the character of the area, visual impact, diminishing the rural look and feel of the area and adversely affecting the use of the Dike Trail as a result, loss of farmland, noise, preserving wildlife habitat, open space and natural areas adjacent to the boat launch ramp.
- Impact on schools, roads in disrepair and no sidewalks for safe travel to school, renters do not pay school taxes and homeowners will have to pay more for schools.
- Increased demand for emergency services.
- Group apartments together in appropriate geographic location, loss of property values for existing homeowners by adding apartments to the neighborhood; no more low income housing in this vicinity, housing for Seniors would be preferred.
- Too tall buildings, increased potential for crime, decrease in neighborhood safety.
- Locating high density housing directly adjacent to the Skagit River levee in the 100 year floodplain, flooding concerns.
- Not enough parking for boat trailers during fishing season.
- Sprawling use of the Gardner Road public areas by occupants of the apartments leading to damage to the forested buffer area, unsafe for children going to the river without supervision.
- Resolve existing septic system problems in area before any new development is allowed.

- Misunderstanding about the role of the City. The City does NOT and did NOT own the forested parcel that the Dike District sold to the applicant.
- Dike District #12 requirement for an easement adjacent to the toe of the levee to comply with maintenance standards of the Corps of Engineers PL84-99 program.

The scope of the Environmental Impact Statement and alternatives to be considered was developed in an effort to address the comments received. The decision to include this site in the Burlington Urban Growth Area was made by Skagit County at the time the Washington State Growth Management Act was implemented in the mid-1990's. Because the land is in private ownership, the options available to the City are somewhat constrained.

SUMMARY

Applicant is proposing to develop 7 lots for single family and 15 duplex homes. The site plan also shows development of 6, three story apartment buildings with up to 150 dwelling units. Additional parking for the boat launch ramp is shown along Gardner Road, and 3 acres of open space are shown adjacent to the levee. The existing farm buildings will include small business enterprises. See Appendix B for concept plan and map.

The Comprehensive Plan for the City of Burlington was last updated in 2005 and this area was all classified as Open Space Parks and Agriculture (OSPA), before Skagit County rezoned the Urban Growth Area portion of the site to Urban Reserve Residential (URR). See Appendix A. The applicant is proposing to reclassify the Comprehensive Plan designation for the area, both in the current City Limits and in the Urban Growth Area to Commercial Business (CB). This action would be accompanied by a contract rezone that would zone the site as Medium Residential and Neighborhood Business (MR-NB) with additional contract rezone components.

Land located within 300 feet of the landward toe of the Skagit River levee is designated as Special Flood Risk in the Critical Areas Code with open space only in the first 100 feet and very limited use in the next 200 feet, such as parking, access and yards. The City is recommending that no structures be permitted in that area under any of the alternatives.

The permit process in Burlington includes review of the site plan, building elevations, landscaping, parking and design by the Planning Commission for all new construction.

OBJECTIVES OF THE PROPOSAL

The objective of the proposal is to put urban zoning standards in place that will allow the applicant to develop an existing site that includes a farm and a forested area to a combined single family and apartment housing development, with additional height and building size for the apartment area and continued residential and business use of the existing farm buildings. Mitigation of the impacts of the proposed development are stated as providing two means of access to the site, retaining 3 acres adjacent to the levee as open space, and developing an additional parking area for vehicles and trailers using the adjoining boat launch ramp.

ALTERNATIVES INCLUDING THE PROPOSED ACTION

The purpose of including a discussion of alternatives is to inform decision-makers and the public of reasonable alternatives, including mitigation measures that would avoid or minimize adverse impacts or enhance environmental quality.

1. Proposed Action

- Amend the Comprehensive Plan designation for both sites to Commercial Business (C-B)
- Rezone portion in the County that is currently Urban Reserve Residential (URR) and portion in the City Limits that is currently Open Space Parks and Agriculture (OSPA)
- Establish new zoning for the total 17.19 acre site as Medium Residential and Neighborhood Business (MR-NB). Add contract rezone conditions to the total site as follows:
 - A. Single family development along East Rio Vista Avenue and the west side of the 2.1-acre parcel.
 - B. Construct connecting street from Section Street to Gardner Road.
 - C. Develop overflow parking for boat launch for displaced Gardner Road parking.
 - D. Landscape screening between multi-family or commercial sites and single family residences.
 - E. Three story buildings allowed with a maximum height of 35' except in single family area.
 - F. Total number of apartment units shall be not more than 150.
 - G. Commercial uses shall be limited to the location of the existing farm related buildings.
 - H. Maximum building footprint increased from 6,500 square feet to 8,000 sq. ft.
 - I. Minimum 3 acres of open space.
- Annex the 15.09 acre portion of the site into the Burlington City Limits

2. **Alternative A** – Same as Proposed Action, but limited to two story apartments. – Limit total apartment units to not more than 100.
3. **Alternative B** – Establish new zoning for the total 17.19 acre site as Medium Residential Neighborhood Business (MR-NB) with a contract rezone limiting commercial uses to the existing buildings. Remainder of site would be in residential use, including apartment buildings of up to 8 units, single family homes and duplexes.

- 4. Alternative C** – Amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and establish new zoning for the total 17.19 acre site as Medium Residential and Neighborhood Business (MR-NB). Contract rezone conditions as follows:
- Limit commercial uses to the existing farm related buildings
 - Remainder of the site would be in residential use with no minimum lot size, including single family homes, duplexes and townhouses (common wall residences).
 - Alternative C, as proposed would not allow for construction of apartment buildings. In the event the proponent wanted to building apartments in the future they would have to apply for and receive approval for a contract rezone allowing such construction.
 - Landscaping requirements per zoning code.
- 5. Alternative D** – Amend the Comprehensive Plan to C-B Commercial Business for existing farm building site and set zoning for that portion as MR-NB, Medium Residential and Commercial Business to allow commercial uses to continue. Amend the Comprehensive Plan to SF-D Single Family and Duplex for the remainder of the site and set zoning as Single Family R-1-6.0 and Duplex R-2 for a combination of single family homes, 6,000 square foot minimum lot size and duplexes, 7,600 square foot minimum lot size.
- 6. No Action** - Retain existing zoning in City Limits and Skagit County Urban Growth Area resulting in no development on 2.1 acre site and a maximum of 3 single family dwellings on portion in Skagit County; site will not be annexed into City Limits.

AFFECTED ENVIRONMENT, SIGNIFICANT IMPACTS AND MITIGATION MEASURES

The proposed action has a significant impact on the area. Development of this site as proposed will result in a major change in the character of the area with significant effects on the existing public open space and access area, because of the high density residential development that is proposed.

Approximately 115 additional p.m. peak hour trips will be generated by the increased traffic.

While there is no specific method to determine the impacts on the schools, there will be a significant increase in the number of students in the school district, with the addition of approximately 172 dwelling units.

The proposed mitigation measures consist of retaining 3 acres of open space adjacent to the landward toe of the levee, construction of a second means of access to the site on South Section Street, and development of additional parking for vehicles and trailers during fishing season, adjacent to Gardner Road right-of-way.

Street improvements would be required to relocate the gates closing off access to the boat launch ramp, pave and add a sidewalk to the west side of the street up to the driveway that serves the site. The major street improvements to serve the larger area, such as sidewalks on Gardner Road, Rio Vista Avenue and South Section Street are not feasible to be constructed by the applicant because of the extent of the area that is in need of major work.

Unavoidable adverse impacts include:

- increased traffic including peak hour traffic
- increased student population in the schools
- inadequate pedestrian facilities on adjacent streets
- a significant change in the character of the area
- substantial increase in use of the existing open space and buffer area and the walking trail on the levee along the Skagit River

MAJOR CONCLUSIONS AND SIGNIFICANT AREAS OF CONTROVERSY AND UNCERTAINTY

This site is located at the southeast corner of the community directly adjacent to the Skagit River Levee and the Gus Tjeerdsma Boat Launch Ramp, a major public access point to the Skagit River. The development of this site as proposed will result in a major change in the character of the area with significant effects on the existing public open space and access area, because of the high density residential development that is proposed.

There will be a significant increase in traffic on the residential access streets in the area. At present, there are no sidewalks on Gardner Road, Rio Vista Avenue or South Section Street in the vicinity of the site. The student population of local schools will increase significantly.

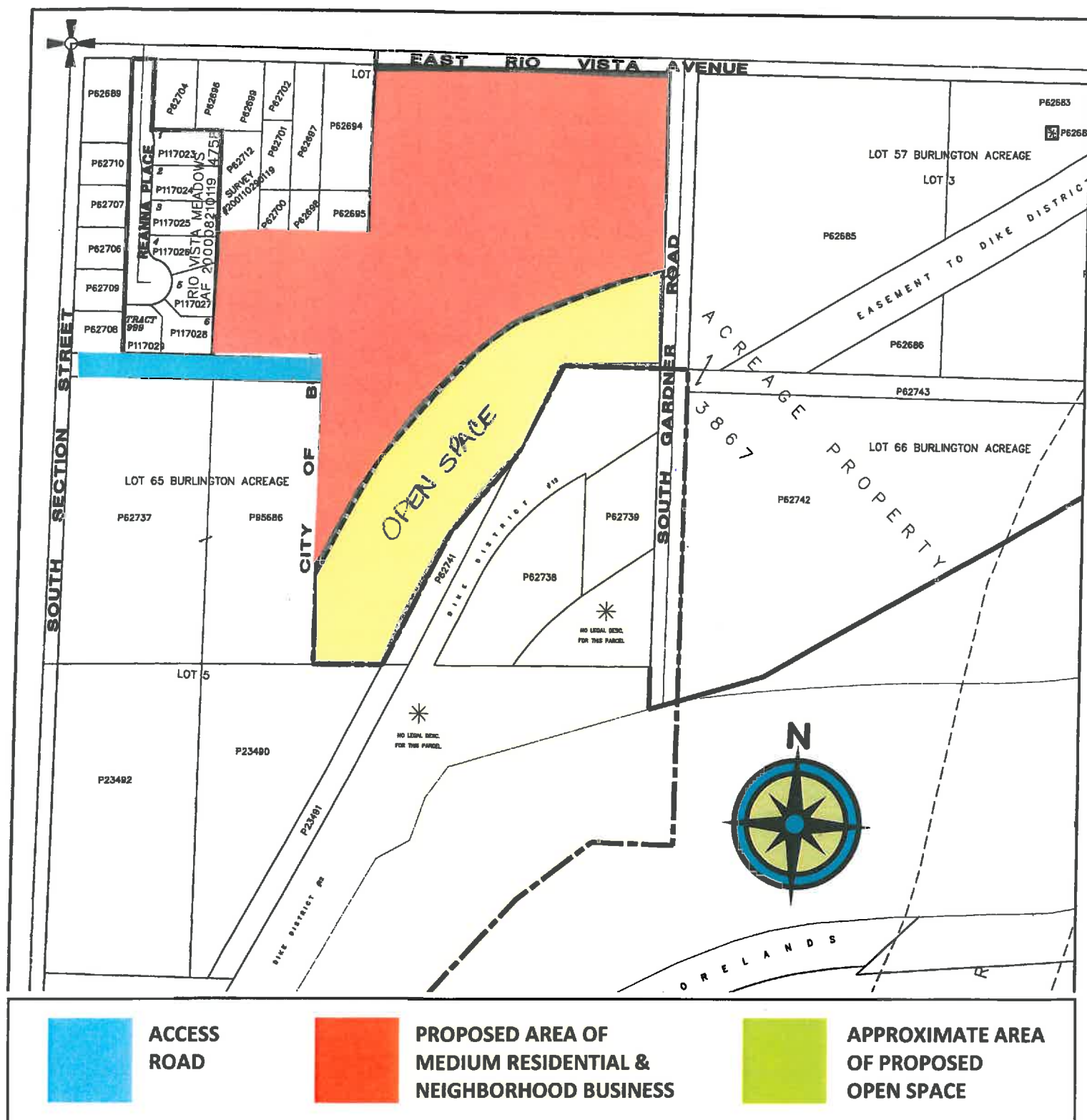
The location of the City of Burlington in the Skagit River floodplain and of this specific site directly adjacent to the levee that is not certified as providing 100-year flood protection will require evacuation of the homes and apartments during major flood events.

Significant areas of controversy and uncertainty include whether or not the proposed amendments to the Comprehensive Plan and Zoning Code are in the best long term interest of the community, or whether an alternative identified in this Environmental Impact Statement should be approved. The site is partially in the City Limits and a major portion is in the Skagit County Urban Growth Area, and the question of what constitutes a reasonable level of urban development based on the unique location is a matter of controversy.

APPENDIX A

MAPS AND CONCEPT PLAN

APPLICANT'S PROPOSAL





Delahunt Addition

Rendering View Looking Northwest

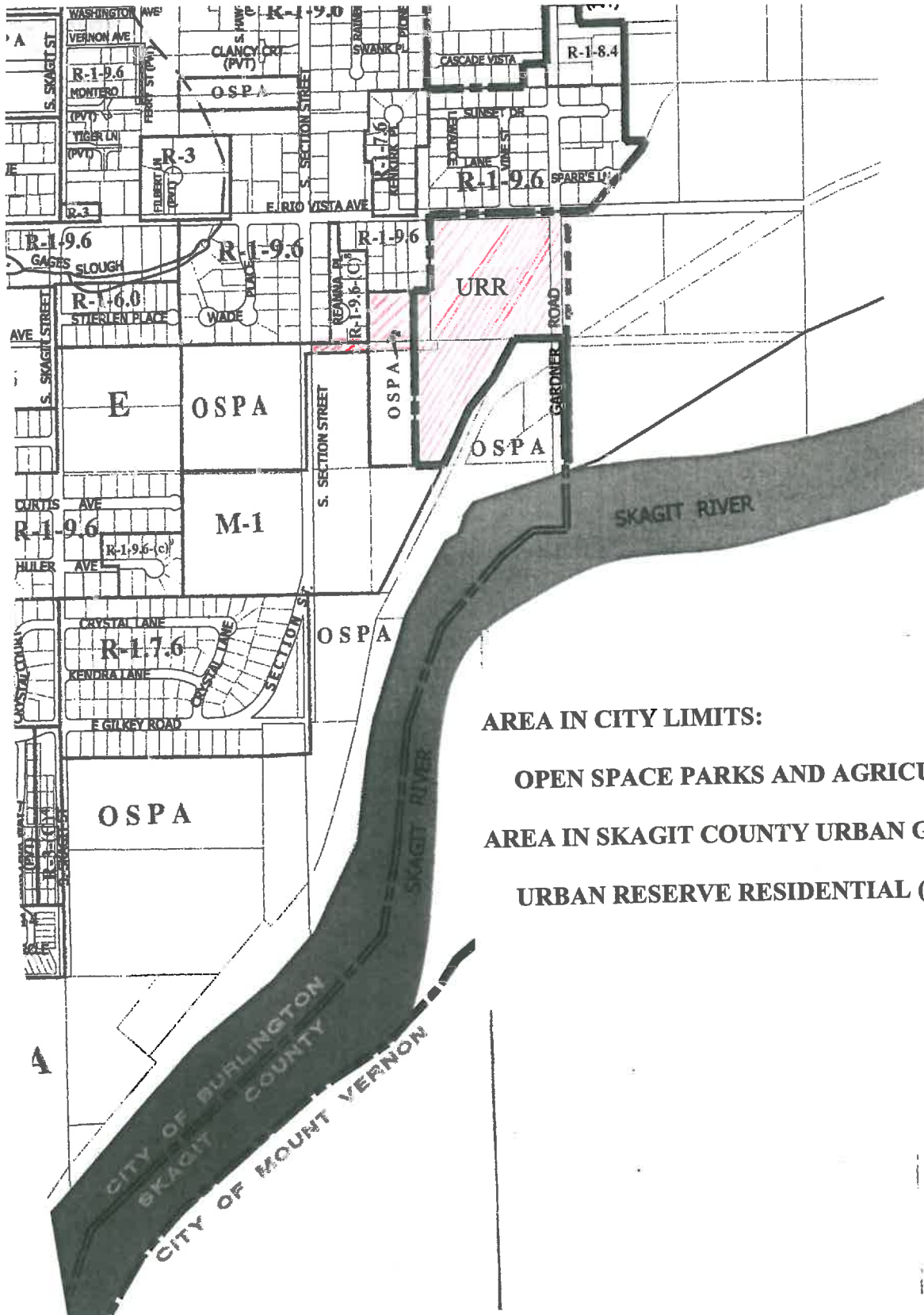


Delahunt Addition

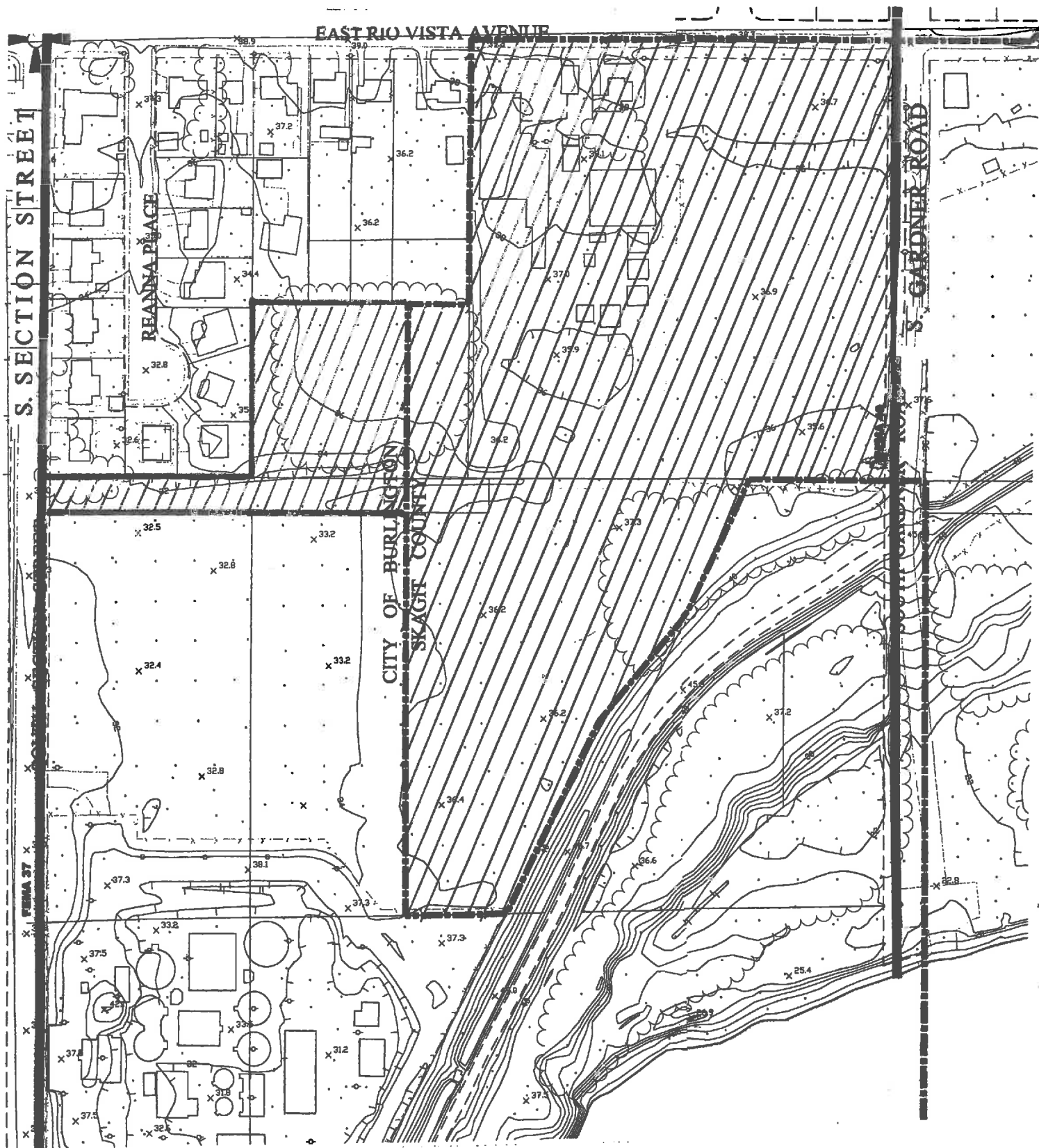


Illustrative Site Plan Concept
12/12/14

EXISTING ZONING



EXISTING TOPOGRAPHY AND LAND USE



APPENDIX B

Regulations for development within 300 feet of the landward toe of the levee

15.15.620 Development in special flood risk zone.

- A. Development other than the following is prohibited in the special flood risk zone; provided, that nothing in this section shall be construed as authorizing construction or fill in wetlands:
 - 1. Minor structures and additions for which a building permit is not required and which create no new residences;
 - 2. Minor fills and excavations of less than 12 cubic yards or which will not raise the level of land above that of the surrounding area;
 - 3. Normal maintenance, resurfacing and rebuilding at comparable grade of bridges, streets and accessways;
 - 4. Underground improvements;
 - 5. Maintenance, repair, alteration and like replacement of existing improvements;
 - 6. Other minor development which causes no significant impoundment or displacement of floodwaters, such as signs and small unenclosed structures;
 - 7. Elevated structures which allow floodwaters to flow underneath and which meet the following criteria:
 - a. All structures shall be elevated so that the lowest supporting member is located no lower than one foot above the 100-year flood elevation, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided below.
 - b. Solid walls are prohibited below the base flood elevation to keep the area free of obstruction unless they are designed to breakaway. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot.
 - c. All structures shall be securely anchored on piling, columns, or foundation walls oriented to the axis of the flow path. Said support elements shall be certified by a registered professional engineer or architect as capable of withstanding all applied loads of the 100-year flood flow.
 - d. There shall be no fill used for structural support.
- B. Regardless of method of construction, operation, development, substantial improvement, or expansion of residential health care facilities is prohibited in the special flood risk zone.
- C. New multifamily residential structures are prohibited in the special flood risk zone.

- D. Subdivision of new residential lots, including short plats and full subdivisions, shall be prohibited unless the applicant can demonstrate that there will be a positive effect on the special flood risk area, including but not limited to the following:
1. New structures shall be located further away from the Slough than prior to subdivision.
 2. New structures shall fully comply with this chapter.
 3. New structures shall be located outside the special flood risk zone boundary, while some yards may encroach into the special flood risk zone.
 4. New structures shall be located so that the proposed project will not affect the hydrologic or hydraulic characteristics of a flooding source and will comply with BMC 15.15.610(K). Designs for meeting this requirement must be certified by a registered professional engineer.
- E. New construction exceeding \$250,000 in value shall be reviewed by the city council. The following criteria shall be met in order to approve the proposed structure:
1. The proposed structure does not have a significant adverse impact on flood hazard.
 2. All physically feasible alternatives to locating in the special flood risk zone have been evaluated and there is no viable choice other than to locate in the special flood risk zone.
 3. Mailed notice shall be sent to adjacent property owners, if public notification is not already required by chapter 17.68 BMC.
 4. Impact on the character of the existing neighborhood.
- F. Developments for which a floodplain approval is required are prohibited between the riverward toe of dikes and levees along the Skagit River and the locations described as follows:
1. Lying within the area mapped as Exhibit A², attached to the ordinance codified in this section, extending the distance shown on said Exhibit A from the landward toe of dikes and levees along the Skagit River in the corridor between the Railroad Bridge on the east and the city limits on the west;
 2. Except as provided in subsection (F)(1) of this section, a line 100 feet landward of the landward toes of said dikes and levees.

This prohibition shall not apply to improvements to the dikes and levees themselves or improvements designed to aid in floodfighting, or interim uses involving no fill, asphalt or permanent structures when approved by the director in consultation with Dike District No. 12 and the public works director, with a temporary land use permit reviewed at six-month intervals.

APPENDIX C

DISTRIBUTION LIST

Skagit County Commissioners
1800 Continental Place
Mount Vernon WA 98273

Washington State Dept of Commerce
Attn: Growth Management Services
1011 Plum Street SE
Olympia WA 98504-2525

Burlington-Edison School District
Attn: Laurel Browning,
Superintendent
927 E. Fairhaven Avenue
Burlington WA 98233

Public Utility District #1
P.O. Box 1436
Mount Vernon WA 98273

Department of Ecology
Environmental Review Section
P.O. Box 47703
Olympia, WA 98504-7703

Skagit System Cooperative
Cheryl Ryder
P.O. Box 368
La Conner WA 98257

Puget Sound Energy
1700 E. College Way
Mount Vernon WA 98273

Mrs. Gloria Y. Green
Sauk-Suiattle Tribal Council
5318 Chief Brown Lane
Darrington WA 98241-9421

Ms. Marilyn Scott
Upper Skagit Tribal Council
25944 Community Plaza Way
Sedro-Woolley WA 98284

Cascade Natural Gas
1520 S. Second
Mount Vernon WA 98273

Mr. M. Brian Cladoosby
Swinomish Indian Tribal Community
11404 Moorage Way P.O. Box 817
La Conner WA 98257

Skagit County Public Works
Attn: Dan Berentson
1800 Continental Place
Mount Vernon WA 98273

Verizon Northwest
595 Pease Road
Burlington WA 98233

Burlington Chamber of Commerce
P.O. Box 1096
Burlington WA 98233

Skagit County Planning Department
Attn: Dale Pernula
1800 Continental Place
Mount Vernon WA 98273

Comcast Cable
400 Sequoia Drive
Bellingham WA 98225

Federal Emergency Management
Agency
John Graves
130 228th St SW
Bothell WA 98021

AGENCIES AND UTILITIES